IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13436 of 2005

Between:

I.Dileep Kumar, S/o.Madhu Sudhan
Srinivasnagar Colony, Machlipatnam, Krishna District.

..... PETITIONER

AND

1 The Special officer, & Joint Collector, Machlipatnam Municipality Machlipatnam Krishna Dist.
2 The Commissioner, Machlipatnam Municipality, Machilipatnam Krishna Dist.
3 The Municipal Engineer, Machlipatnam Municipality, Machilipatnam Krishna Dist.
4 V.Bogeswar Rao, Contractor
H.NO.5-80-7, 1st Lane, Ashok Nagar,
Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly, one in the nature of writ of Mandamus directing the respondents to cancel the contract allowed to the 4th respondent as he is not fulfilled the tender conditions and confirmed the contract called vide tender.No.MMC/ME/E/6644/2003/CMAPP/ep-01, dt.21-3-2005, Machlipatnam Municipality in favour of the petitioner as he is being only tender in the field and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.T.PRADYUMNA KUMAR REDDY

Counsel for the Respondent No.1 to 3: MR.S.NAGESWARA REDDY

The Court, at the stage of admission, made the following :

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ORAL ORDER

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Being aggrieved by the decision of the respondents in giving work order to the 4th respondent, the petitioner filed the present writ petition.

The main grievance of the learned counsel for the petitioner is that the Machilipatnam Municipality has invited a tender No.MMC/ME/E/6644/CMAPP/eP-01, dated 21-03-2005 for construction of drain from Kotha Masid Road to Narasimha Swamy Temple Culvert and Narasimha Swamy Temple Culvert to Chinnavullingipalem Culvert and the tender schedule was started from 21-03-2005 till 05-04-2005, last date for receipt of tenders was till 5.00 P.M on 06-04-2005 and the opening of the tenders was on 08-04-2005. Pursuant to the said notification, the petitioner submitted his tender with supporting documents, and quoted 4.59% less. Be that as it may, the 4th respondent also submitted his tenders without any supporting documents and quoted 12.61% less. Further, it is the contention of the learned counsel for the petitioner that the respondents did not follow the procedure as contemplated in the instructions to the tenderers and the eligible criteria in the notification but they decided to give the work order to the 4th respondent. Being aggrieved by the said decision, the petitioner gave a representation dated 16-05-2005 to the 1st respondent-Special Officer & Joint Collector, Machilipatnam Municipality for declaring the tenders submitted by the 4th respondent as in complete defective and declare him as eligible tenderer. But the said representation is pending consideration.

Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

Considering the above facts and circumstances, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent to dispose of the representation of the petitioner dated 16-05-2005, according to rules, and pass appropriate orders. In the circumstances, no order as to costs.

ELIPE DHARMA RAO,J

23RD JUNE 2005

*TSNR

To

1 The Special officer, & Joint Collector, Machlipatnam Municipality Machlipatnam Krishna Dist.

2 The Commissioner, Machlipatnam Municipality, Machilipatnam Krishna Dist.

3 The Municipal Engineer, Machlipatnam Municipality, Machilipatnam Krishna Dist.

4 Two C.D.Copies.